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# Recommendations of the Forum on Minority Issues at its ninth session: Minorities in situations of humanitarian crises (24 and 25 November 2016)

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# I. Introduction

1. In accordance with Human Rights Council resolutions 6/15 and 19/23, the present document contains the recommendations of the ninth session of the Forum on Minority Issues, held on 24 and 25 November 2016, on the theme, "Minorities in situations of humanitarian crises". The work of the Forum was guided by the Special Rapporteur on minority issues, Rita Izsák-Ndiaye. The Chair of the session was Mario Yutzis of Argentina. Some 500 participants attended, including representatives of Member States and minority communities, non-governmental organizations, United Nations specialized agencies, regional and intergovernmental bodies and national human rights institutions.

2. The recommendations incorporate and build on existing recommendations made with regard to humanitarian assistance and protection of minority rights. They are intended to assist Governments, the United Nations, civil society and other humanitarian and development actors in addressing trends towards minority populations that are directly targeted and persecuted, deliberately discriminated against or simply forgotten or neglected, at all stages of the humanitarian response cycle. The expression "humanitarian crisis" in these recommendations refers to any situation of hardship and human suffering arising from events that cause physical loss or damage or social and/or economic disruption with which the country or community concerned is unable to fully cope alone. Such situations may be the direct result of a natural disaster (either high impact, such as an earthquake or floods, or slow onset, such as a drought) or a human-made crisis, such as war or civil unrest.[1]

3. The recommendations are grounded in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[2] which recognizes that comprehensive implementation of minority rights and adequate institutional and policy frameworks can effectively contribute to the elimination of all forms of discrimination against members of minority communities, as well as promote their full equality before the law without discrimination.

4. The recommendations draw on international human rights law, refugee law, international criminal law, international disaster response laws, international humanitarian law and related standards, including regional instruments. Relevant instruments include the nine United Nations human rights treaties; the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; the 1949 Geneva Conventions and their Additional Protocols; the 1954 Convention relating to the Status of Stateless Persons; the 1961 Convention on the Reduction of Statelessness; the Guiding Principles on Internal Displacement (1998); the Pact on Security, Stability and Development in the African Great Lakes Region and its Protocol on the Protection and Assistance to Internally Displaced Persons (2006); the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (2009); and the Cartagena Declaration on Refugees (1984).

5. The recommendations also draw on codes of conduct, guides and toolkits, including the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief; the Joint Standards Initiative Core Humanitarian Standard on Quality and Accountability; the Sphere Handbook: *Humanitarian Charter and Minimum Standards in Humanitarian Response*; Inter-Agency

[1] See United Nations Children's Fund definition of "emergency", in Inter-Agency Standing Committee Working Group XVI meeting, 30 November 1994, "Definition of complex emergencies", annex I. Available at https://interagencystandingcommittee.org/system/files/legacy_files/WG16_4.pdf.

[2] Adopted by the General Assembly in resolution 47/135. Available at www.ohchr.org/Documents/Publications/GuideMinoritiesDeclarationen.pdf.

Standing Committee (IASC) Operational Framework on Accountability to Affected Populations; IASC Framework on Durable Solutions for Internally Displaced Persons (April 2010); Office of the United Nations High Commissioner for Refugees (UNHCR), *Working with National or Ethnic, Religious and Linguistic Minorities and Indigenous Peoples in Forced Displacement* (2011); UNHCR, *A Community-based Approach in UNHCR Operations* (January 2008); United Nations Development Programme (UNDP), *Marginalised Minorities in Development Programming: A UNDP Resource Guide and Toolkit* (2010); UNHCR, "Protection of refugees who belong to minorities", Pamphlet No. 12 (2011); People in Aid, "Code of good practice in the management and support of aid personnel" (2003); Groupe Urgence Réhabilitation Développement, *Quality COMPAS Companion Book* (2009); UNHCR, *Global Action Plan to End Statelessness: 2014-2024* (2014); Inter-American Commission on Human Rights, *Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System* (2015); and Organization for Economic Cooperation and Development/Development Assistance Committee, *Principles for Evaluation of Development Assistance* (1991).

6. The recommendations build on the 2030 Agenda for Sustainable Development, in particular with regard to ensuring that all human beings are able to fulfil their potential in dignity and equality and in a healthy environment, and the commitment to foster peaceful, just and inclusive societies which are free from fear and violence.[3] In this respect, they contribute to the implementation of the 2016 World Humanitarian Summit commitment to action, "Transcending humanitarian development divides — Changing people's lives: from delivering aid to ending need".[4]

7. The recommendations highlight the primary responsibility of States to protect the rights of minorities and to contribute continually to building resilient and prepared minority communities that are able to actively respond when crises strike, and to provide timely and appropriate assistance relevant to the specific needs of minority communities in times of crisis. Meeting these responsibilities requires, inter alia, comprehensive crisis and contingency planning with effective and meaningful participation of minorities. In this respect, the recommendations are also addressed to United Nations entities, which are primary actors in the delivery of humanitarian assistance, and other international and locally based humanitarian actors, regional organizations, non-governmental organizations, minority groups and other non-State actors.

8. The recommendations address a wide range of crisis situations, some of which will affect not only minorities but the broader population also. While a rights-based approach to the delivery of humanitarian aid should be applied to all persons affected by a crisis, the particular aim of the present recommendations is to ensure that minorities, as particularly vulnerable groups, are not further marginalized or discriminated against before, during or after a conflict, disaster, pandemic or other humanitarian crisis. It should also be noted that some humanitarian crises may go unnoticed or may not be qualified as a humanitarian crisis by a government. Indeed, the denial by a State of such a situation can itself constitute an act of discrimination that unjustifiably delays urgent intervention and assistance by the State as well as by international actors.

9. Minorities are often disproportionately affected by humanitarian crises such as violence due to a conflict or damage and destruction caused by natural or man-made disasters. They are sometimes directly targeted by States or armed groups during a conflict,

[3] See General Assembly resolution 70/1, preamble.

[4] See https://undg.org/wp-content/uploads/2016/06/Transcending-humanitarian-development-divides.pdf.

suffering killings, rape, torture and deprivation of liberty, or they may suffer harsher consequences of conflict or disasters because of a pre-existing precarious social and economic position, the areas or regions in which they live or restricted access to basic goods and services owing to direct or indirect discrimination by State institutions. As such, minority groups are often overrepresented in populations that are forcibly displaced. In fact, some groups may constitute a minority in a given State precisely because they were forcibly displaced from another State where they were the majority.

10. In the context of wider proposals for the reform of humanitarian action,[5] the recommendations aim to foster discussion about best practices for ensuring protection of minority rights in humanitarian crises. Owing to the often protracted nature of displacement, it is important to note that protecting minority rights in crisis situations can only be effective if also tackled within the development framework.

11. Best practices should reflect the diversity and complementarity of international, national and local actors involved in humanitarian relief efforts and encourage local leadership and effective participation of minority communities in relief work. At all stages of the humanitarian assistance cycle, humanitarian actors, including States, need to be aware of the presence of minorities in the wider affected population and to ensure that the particular needs of minorities, as well as those within minority groups who may face multiple or intersecting forms of discrimination, such as women, children, older persons, lesbian, gay, bisexual, transgender or intersex persons, persons with disabilities and stateless persons, are duly taken into account in programming and delivery.

12. The present recommendations are intended to be implemented in all countries in full respect of universal human rights standards, regardless of political, religious, historical and cultural backgrounds or any specific State ideology, religion or value system.

## II. General considerations

13. The recommendations in the present document should be read in conjunction with the report of the Special Rapporteur on minority issues that addresses the human rights of persons belonging to national or ethnic, religious and linguistic minorities in situations of humanitarian crises[6] and with the recommendations formulated at previous sessions of the Forum on Minority Issues, in particular those of the seventh session on preventing and addressing violence and atrocity crimes targeted against minorities.[7]

14. The recommendations advocate a rights-based approach, in particular:

- Recipients of assistance from all ethnic, religious, national and linguistic backgrounds, regardless of age and physical ability, are recognized as active subjects and rights holders with entitlements and obligations, rather than as passive victims;
- Systematic consultation with, and meaningful participation of, recipients of humanitarian assistance, including minorities, are essential to enable them to identify their own needs and priorities;
- State and non-State humanitarian actors must be accountable to minorities affected by crises.

15. For ease of reference, the recommendations are structured in a chronological manner by the three stages of humanitarian crises: prevention and timely action before a crisis

[5] See, for example, https://interagencystandingcommittee.org/iasc-transformative-agenda.
[6] A/71/254.
[7] A/HRC/28/77.

occurs, immediate and ongoing response to and management of the crisis, and post-crisis recovery. However, it should be noted that the distinction between the three stages is not always clear in many situations. For instance, in situations of protracted displacement, populations can be considered as being simultaneously in the post-crisis phase of an earlier crisis and at the crisis prevention stage of potential future crises.

16. All measures taken should, to the fullest extent possible, be developed, designed, implemented, monitored and evaluated in consultation with, and with the effective participation of, minorities. Measures taken to implement the recommendations should also have an age- and gender-sensitive approach, as certain groups within minority communities, such as women and girls, are often particularly negatively affected by disasters and conflicts, and may be exposed to multiple and intersecting forms of discrimination.[8]

17. Most of the recommendations apply equally to State as well as non-State actors, as appropriate. Some recommendations reflect the specific responsibilities of States; however, in situations where — due to the circumstances of the crisis or other factors — non-State actors have de facto control of the territory where minority groups are present or otherwise fulfil roles traditionally associated with State authorities, such non-State actors should comply with the recommendations set out below for States.

18. At all stages, minority communities are encouraged to take an active role in planning to prevent and reduce the risk of humanitarian crises that may affect them. They should also seek to determine and participate in measures to support their communities during crises, to continually document and report on their needs and status during and following a crisis and to communicate with local or international officials (where this does not create or amplify risks to the community or its members) or with relevant humanitarian organizations.

19. Managing crises is about ensuring the adequate distribution of goods and services essential to meet basic needs, but also about transparency of operations and access to information with regard to the situation, including the situation of minorities. In this respect, all actors, including States, national human rights institutions, civil society organizations, United Nations and other international organizations engaged in development and humanitarian activities should engage in monitoring and reporting within their own jurisdiction. The role of civil society, including with regard to monitoring, reporting and data collection, must be particularly supported throughout all the stages of humanitarian crises.

20. Regional organizations need to reinforce their role as guarantors of minority rights in humanitarian crises, drawing on their cultural and geographical proximity to the people affected by the crisis and their long-term relations with regional governments.

21. Ongoing discussions concerning the involvement of the private sector in humanitarian relief should include specific consideration of the potential benefits, risks, principles and best practices of such involvement in relation to the rights of minorities.

[8] See Oxfam, "Gender issues in conflict and humanitarian action", Humanitarian policy note, November 2013. Available at www.oxfam.org/sites/www.oxfam.org/files/hpn-gender-conflict-humanitarian-action-291113-en.pdf.

# III. Recommendations to prevent crises and the disproportionate effect of crises on minorities

**Inclusion of minority issues in daily governance**

22. As a key element of minority protection and good governance, States should implement fully and inclusively the provisions of the Declaration on Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through the adoption of national laws prohibiting discrimination and protecting the rights of minorities.

23. States should at all times include respect, protection and fulfilment of minority rights as essential elements in their daily governance and development programmes. This should serve to, inter alia, defuse potential tensions between the minority and the majority and among minority groups, prevent conflict and foster integrated, resilient and prepared minority communities that are not disadvantaged in relation to other groups in society, particularly when crises occur.

24. States should remove any provision in law or in practice that discriminates against any group on the grounds of their ethnicity or religion and which may render them vulnerable. This includes discriminatory national legislation and policies such as those resulting in the denial or deprivation of citizenship, since stateless minorities are disproportionately affected by humanitarian crises.

25. States should establish an institutional framework to ensure that attention is given to minority issues within relevant national bodies, including those dealing with humanitarian action. National human rights institutions can take on this role at the national level and monitor the efforts made by various relevant national bodies and enforce the implementation of policies through accountability mechanisms. Persons belonging to minorities should be represented on the staff of such institutions and United Nations and civil society should support such mechanisms with capacity-building and training.

26. National human rights or other institutions must take appropriate responsibility to ensure that the needs of minorities are properly assessed, including through data collection and analysis, and that targeted programmes are established to better assist minorities in the event of a humanitarian crisis.

27. Relevant data should be collected and responsibly managed according to international standards and disaggregated, where possible, by ethnicity, language, nationality status and religious affiliation, age and gender. Such data should be used in accordance with international standards to contribute to the development of better informed and more effective minority rights projects and programmes. Indicators relevant to minorities should serve as a basis for assessing compliance with the principles of non-discrimination and equality, which in turn can help to identify potential conflicts at their earliest stages.

28. National human rights and other relevant institutions should ensure a targeted focus on minorities in situations of crisis when engaging in monitoring, analysis and reporting, as well as in the exercise of other functions. Such targeted attention is crucial in preventing crises as well as in providing a framework for the protection and non-discrimination of minorities in situations of crisis and in minimizing any disproportionate impact.

29. The Secretary-General should develop a comprehensive strategy to ensure a systematic approach to minority rights in all United Nations programming work, including and in particular in development and humanitarian relief work, further to the Guidance

Note of the Secretary-General on Racial Discrimination and Protection of Minorities.[9] A systematic approach to minority rights should be pursued across all related United Nations work, potentially through the development of a tool kit to be applied whenever developing and implementing humanitarian assistance programmes.

30. Governments, the United Nations and other organizations should consider appointing expert staff members as minority focal points within their structures, train humanitarian staff in minority rights issues to ensure that they are able to identify issues relevant to minorities and situations of discrimination in times of crisis and equip them to adequately respond to the needs of minorities.

**Preventing crises with early warning and accountability**

31. States should employ early warning mechanisms that incorporate minority rights indicators to identify initial signs of crises and deteriorating situations and their impact on minorities. Such mechanisms can help to prevent the escalation of tensions and human rights violations. They should monitor indicators such as a history of ethnic violence; an indication of minorities being targeted or repeatedly displaced; the extent to which the identity of various minority communities is respected and promoted; the level of participation of minorities in political, economic and cultural life; and the degree of equal and effective access to justice and other effective remedies for human rights violations. Efficient early warning is also critical to disaster risk reduction and should include a strong focus on the populations exposed to risks, in addition to scientific and technical considerations. Minority communities and potentially marginalized groups within minorities must be consulted and included in such early warning systems.

32. The Human Rights Up Front initiative should be further strengthened so that it leads to the desired cultural and operational change within the United Nations, together with more proactive engagement with Member States to better prevent large-scale and serious violations of human rights or international humanitarian law.

33. States should implement, in accordance with general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations of the Committee on the Elimination of Discrimination against Women, early warning systems and other concrete measures to protect minority women from gender-based violence and sexual abuse, given that women and girls are at a heightened risk of violence, including sexual violence, during and after conflicts.

34. States should take effective measures to prevent the promotion of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. In this respect, States should effectively investigate and prosecute individuals for hate crimes, incitement to hatred, persecution, systematic and widespread violence, atrocities, sexual violence and acts of genocide perpetrated against minorities.

35. States should establish a complaint mechanism for minorities to voice their concerns as a minority and ensure that the public is aware of the existence of such a mechanism. This can be established within national human rights institutions established in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). States, as well as the United Nations and civil society actors should work to ensure that minorities are made aware of the existence of such mechanisms.

[9] See Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities (March 2013), para. 46. Available at www.ohchr.org/Documents/Issues/Minorities/GuidanceNoteRacialDiscriminationMinorities.pdf.

**Planning and preparedness**

36. States should, with the effective participation of communities at risk, develop effective and adequate disaster risk prevention programmes. Such programmes should include measures to enhance the preparedness of potentially affected populations and should explicitly address the specific needs of minorities and other vulnerable populations.

37. States, the United Nations and other humanitarian and development actors should proactively collaborate with minority communities, including particularly excluded minorities such as those living in remote areas or in marginalized urban areas (e.g. in slums) or those who may be stateless or at risk of statelessness. They should work together to develop risk assessments and contingency plans to ensure that such communities will receive aid appropriate to their needs if a crisis materializes. Keeping in mind the do-no-harm principle, the United Nations and other international actors should be careful not to put certain communities at risk for collaborating with them, particularly in situations where certain minorities may be targeted by a State or an armed group.

38. States should ensure that, as part of its disaster risk prevention programme, the critical role of local authorities and local civil protection institutions as first responders for minorities is acknowledged and supported with adequate resources and specific training.

39. Local authorities should work together with minority communities to develop and implement efficient and trusted communications tools and consultation mechanisms in order to ensure effective two-way communication of information if and when a crisis occurs. Such tools can also be instrumental for early warning.

40. States should create an enabling environment for civil society organizations to independently monitor the situation of minorities in the given country, including by ensuring their unfettered access to all regions and communities.

41. States, through their local authorities, should implement a community-based approach when planning humanitarian action with a view to creating real partnerships by making initial contact with minority communities and supporting community participation at an early stage.[10]

42. The international community should increase its solidarity efforts before crises occur, by supporting national humanitarian response capacities in other States, both bilaterally and through regional and international organizations, including through training on international minority protection frameworks and technical assistance and strengthening national protection and response mechanisms for minorities in crisis situations.

43. The United Nations and other humanitarian and development actors should systematically conduct research on the situation of minorities, evaluate their needs and capacities and assist them in voicing their concerns in order to prepare risk assessments ahead of potential crises and improve minorities' preparedness for such crises. On this basis, the United Nations and other humanitarian actors should carry out advocacy with national authorities to encourage them to specifically address the situation of minorities and increase their preparedness for potential crises.

44. The United Nations and other humanitarian and development actors should raise awareness among minority populations at risk of displacement about the possibility and the potential benefits of sharing their concerns with national entities, such as national human rights institutions, and with international organizations.

[10] For concrete guidance, see UNHCR, *A Community-based Approach in UNHCR Operations* (January 2008).

45. The United Nations and other humanitarian and development actors should, within their particular fields of operation, work together with minority communities to assist in developing the communities' preparedness and resilience; share information in a format and language adapted to each community, including detailing and explaining the potential risks they face; and share information with the community about the plans of the Government and other actors should these risks materialize. They should work together with minorities to identify the risks that minorities face and devise strategies to mitigate them.

46. In planning for potential crises, the United Nations and other humanitarian actors should assess potential security and logistic obstacles to the equal distribution of aid. They should find ways to ensure that minority groups receive the aid they need, regardless of how remote these groups are located or how precarious and isolated from the main society they may be, and identify means of keeping delivery channels open, even when security concerns arise.

# IV. Recommendations to promote a minority rights-based approach during crises

### Compliance with legal standards and incorporation of minority protection into the domestic legal framework

47. States should fully respect human rights law and apply the standards relevant to disaster management, including the international disaster laws, rules and principles of the International Federation of Red Cross and Red Crescent Societies[11] and the Sendai Framework for Disaster Risk Reduction 2015-2030.[12] They should aim to build the capacity of local communities and civil society in order to address the most urgent situations of vulnerability during a disaster and to promote respect for diversity and human dignity and reduce intolerance, discrimination and social exclusion.

48. States must comply with international human rights law, and States and non-State actors must fully comply with international humanitarian law, particularly in zones of armed conflict, in order to protect civilians, including minorities, internally displaced persons, refugees, stateless persons and people suffering in conflict zones.

49. States should incorporate protection against displacement in their legislation and policies and avoid displacement of minority groups, including those with a particular dependency on or attachment to their lands for reasons of livelihood or cultural heritage. When displacement is unavoidable, States should ensure, in consultation with the affected minorities, that assistance and support towards durable solutions fully meet international standards, including with regard to shelter, service provision and livelihood options, and all other aspects.

50. States, as well as the United Nations, other international humanitarian organizations and, as relevant, other non-State actors, should ensure that minorities are adequately represented among the staff of institutions involved in the programming and delivery of humanitarian assistance. They should ensure that minorities are represented among both management and operational staff, including staff who are able, for instance, to communicate in minority languages or who understand the opportunities and constraints of minority cultures and can raise awareness about the particular issues or challenges faced by minority communities.

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[11] See www.ifrc.org/what-we-do/disaster-law/about-disaster-law/international-disaster-response-laws-rules-and-principles/.

[12] See www.unisdr.org/we/coordinate/sendai-framework.

**Collection of accurate information**

51. States and the United Nations and other humanitarian and development actors should conduct research to refine the profiling of crisis-affected communities and sharpen the needs and capacity assessments prepared prior to a crisis. It is essential to have at all times a full and accurate picture of affected minority communities, including their composition (e.g. identification of vulnerable persons), their needs and their capacities. Capacity assessments should be carried out in preparation for recovery initiatives.

52. States should guarantee, particularly in times of crisis, the independent work of civil society organizations and national human rights institutions in monitoring and reporting on the situation of minorities in the country. In this respect, civil society should be granted access to the camps housing refugees and internally displaced persons in order to carry out their work.

53. The United Nations and other humanitarian actors should complement and support the work of civil society and seek to identify the causes and triggers of displacement of minority communities and assess whether the cause of displacement is linked to their minority status. The specific experience of minorities in humanitarian crises should be documented and publicized with the aim of raising the awareness of national governments and the international community and fostering greater recognition, political support and commitment of resources for the situation of minorities in crises.

54. National human rights institutions should engage in independent monitoring, analysis and reporting and other functions to ensure protection for and non-discrimination of minorities in crisis situations and to prevent a disproportionate impact of the crisis on minorities.

**Data collection**

55. States should ensure that data collection and analysis, including profiling and assessments, are carried out in a non-discriminatory manner, regardless of nationality or lack thereof, and in a manner that captures the needs and vulnerabilities of those affected or displaced by crises while ensuring their protection. Data, disaggregated by age, sex, diversity and location, should be collected for the protection of human rights, the implementation of durable solutions to displacement and the assessment of specific needs and vulnerabilities of affected minority populations.[13] During any data-collection process, all persons should be free to specify any characteristic relating to their identity, including multiple identities, and to choose whether or not they wish to be identified as belonging to a minority group.

56. The United Nations and other humanitarian actors should promote and support comprehensive profiling and collection of disaggregated data on minority groups in shelters, refugee camps or camps and settlements of internally displaced persons, as well as in other settings, to identify problems which may otherwise not be apparent owing to the marginalization of these communities and to help inform solutions.

**Protecting persons belonging to minorities**

57. All parties to armed conflicts must fully respect the presumption of civilian status of members of minority groups on an equal footing as persons belonging to the majority

[13] Governments are encouraged to use the services of the Joint Internally Displaced Person Profiling Service which has been set up to offer technical support in this regard, as recommended by the Human Rights Council in resolutions 20/9 and 32/11, and by the General Assembly in resolutions 68/180 and 70/165.

community or communities and ensure that members of minority groups receive the same protection from attacks, summary or arbitrary execution, arbitrary detention or any other human rights violation as other civilians at all times, without any discrimination.

58. States should not place restrictions on the freedom of movement of particular individuals or groups of civilians on the sole basis that the individual or group shares ethnic, religious, linguistic or other characteristics with other parties to a conflict. In particular, under no circumstance should States restrict access to safe locations on the basis of discrimination against minorities or other grounds prohibited by international human rights or humanitarian law. No measures should be taken which unduly limit or restrict the enjoyment of all human rights of minorities, including their right to freedom of expression or association.

59. When deploying security services to protect populations at risk, States should give special consideration to issues and concerns of communities and the possible lack of trust of some minority groups with regard to security forces. Responses to a crisis must therefore be appropriate and culturally sensitive and seek to establish a link with the particular community or communities where such operations take place. Any laws or measures brought into effect with a view to addressing a humanitarian crisis must comply with the State's obligations under international human rights law, including the conditions and limits to the scope of derogating measures in situations of emergency, and should not, by intention or in effect, unjustifiably expose members of minorities or minority communities to increased vulnerability vis-à-vis security forces.

60. States should ensure that protection responses are participatory, non-discriminatory and sensitive to the specific needs of minorities.[14] They should provide the necessary support to traumatized minorities and include a psychosocial dimension in their protection responses.

61. The United Nations and other international actors should identify and implement measures to provide additional appropriate protection during crises to those who may have suffered traumatization or persecution either before or as a result of the crisis.

62. States should implement, in accordance with general recommendation No. 30 (2013) of the Committee on the Elimination of Discrimination against Women, special security measures to protect minority women from gender-based violence and sexual abuse, given that women are at a heightened risk of violence, including sexual violence, during and after conflicts.

63. States should make every effort to preserve family unity and to enable family reunification for minorities affected by crises.

64. States must refrain from and prohibit forced eviction, demolition of houses, destruction of agricultural areas and arbitrary confiscation or expropriation of land as acts of discrimination, punitive measures or means or method of war directed against certain minority groups.[15]

65. The United Nations and other international actors should take all necessary precautions to understand and address any issues or tensions arising from the changing dynamics between different minority groups or with a majority group when a displaced population arrives. This applies notably in camps for internally displaced persons and in areas where internally displaced populations reside with a host community. They should

[14] See, UNHCR, *A Community-based Approach in UNHCR Operations* (January 2008).

[15] See the principles on housing and property restitution for refugees and displaced persons (E/CN.4/Sub.2/2005/17, annex).

also take into account the dynamics between the various groups and the Government or other parties to the conflict.

66. The United Nations and other international actors should pay particular attention to minority persons who may be subjected to multiple and intersecting forms of discrimination in situations of crisis, including unaccompanied children, women, persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons. They should also be prepared to intervene on behalf of minority refugees experiencing protection problems because they lack identity documents or are stateless.

**Distribution of humanitarian assistance and access to basic services**

67. States have the primary responsibility for protecting people within their territorial jurisdiction and should provide the necessary material and service support to minorities affected by crises, including families hosting persons displaced by humanitarian crises. Non-State actors should also make similar provisions as relevant.

68. In practice, it is often local civil society organizations and volunteer groups that actually provide assistance and support to members of minorities in situations of humanitarian crisis. States should guarantee access by all actors involved in the provision of humanitarian assistance to all regions and populations requiring assistance, without discrimination and with due attention given to minority groups and cultural disparities among the population. The United Nations and other humanitarian actors should ensure that minorities are not discriminated against in the distribution of humanitarian relief, including food and basic services, in particular health care, potable water and education. They should also ensure that social services are equally accessible by and appropriate to the specific needs of women and men as well as girls and boys belonging to minorities.

69. Humanitarian assistance, including distribution of food and first necessity items, and the provision of basic services, such as education, medical and psychosocial support, should, where possible, be culturally adapted and tailored to the specific needs of minority communities (as pre-identified at the prevention stage). This assistance should be made accessible by other potentially marginalized groups within the minority community, such as women, children, older persons, persons with disabilities or lesbian, gay, bisexual, transgender and intersex persons.

70. States should ensure that adequate and culturally appropriate education is made available to minority communities, where possible, in their mother tongue.

71. The United Nations and other humanitarian actors should ensure that humanitarian assistance is not limited to those in the most easily accessible areas and should find solutions to reach more remote areas where minority groups often live.

72. States, the United Nations and other humanitarian actors must ensure that strategies, programmes and activities do not inadvertently lead to or reinforce discrimination against or exclusion of different groups, but instead promote equality and respect for the rights of all.

73. The United Nations and other humanitarian actors should work in complementarity with local governmental and non-governmental actors to ensure that the delivery of aid is facilitated by the minority communities' knowledge and understanding of population dynamics and geographical or other local factors.

74. The United Nations and other actors should ensure that all strategies and interactions are coordinated with various minority groups to ensure effective communication and complementary strategies in delivering the necessary goods and services. Meaningful engagement and communication with minority leaders, in minority languages, are key to achieving this goal.

75. States should establish or continue to maintain open communication channels with affected communities and provide timely information in minority languages. In the context of refugee or internally displaced persons camps, they should seek to ensure that ad hoc representative committees, such as volunteer committees, are truly representative of the wider camp population and include representatives of all minorities, including minority women.

76. States and, when applicable, non-State actors should take all possible measures to protect the cultural heritage of minority communities affected by humanitarian crises. With regard to conflict, States should ratify and implement the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

77. The United Nations and States should seek to ensure that minorities in situations of protracted displacement are able to maintain their culture or religion, for instance, by providing space for practising cultural traditions or religious ceremonies.

78. States should ensure that minorities under their jurisdiction are not deprived of their political rights, including their voting rights, during protracted crises or displacement. Non-State actors should also make similar provisions, as relevant.

#### Displacement

79. States should ensure that the Guiding Principles on Internal Displacement and other international, regional or national legislative standards are fully respected, including for displaced persons belonging to minorities.

#### Personal documentation

80. States should guarantee the issuance or renewal to minorities, without discrimination or undue administrative or financial obstacles, of the necessary civil status documentation to access basic services, including when the affected individual is stateless.

81. States should ensure that minorities and their specific needs are incorporated in all mechanisms that facilitate the issuance of documentation necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth and marriage certificates, as well as replacement of lost documentation.

#### Accountability

82. States should ensure that accountability mechanisms are available and that minority groups have access to such mechanisms at all stages of the humanitarian relief cycle.[16] They should ensure that anyone who lodges a complaint against the handling of a situation by the State, a non-State actor or the United Nations or another humanitarian actor is protected against possible reprisals.

## V. Recommendations to ensure durable solutions for minorities after crises

#### Safety and protection of minorities

83. The international community has a moral and legal duty and share the global responsibility with regard to the flow of refugees and migrants caused by crises around the world. All States should contribute to hosting refugees, migrants and asylum seekers and

[16] See, in this respect, IASC Operational Framework on Accountability to Affected Populations.

should take all the measures necessary to ensure that these new minorities are given a chance to recover from their trauma and to rebuild their lives.

84. States should uphold the international legal principle of non-refoulement. Where circumstances have changed in the country of origin and in consultation with UNHCR, refugee status shall be ceased for a particular displaced population and the parties may, with the cooperation of UNHCR, start the process to return those persons previously recognized as refugees to their country of origin. In this process, the potential challenges of minorities in their country and place of origin must be assessed and carefully evaluated. Every displaced person has the right to challenge the cessation of refugee status as it applies to him or her, where there are compelling reasons, such as previous persecution in his or her country of origin, for refusing to accept the protection of his or her country of nationality or habitual residence. Similar procedures, with oversight by UNHCR, should apply where a State claims that it is safe for internally displaced persons to return home.

85. States hosting asylum seekers, migrants, refugees and stateless persons should facilitate their integration and pay particular attention to the situation and needs of minorities, including minority women and children who may be particularly vulnerable or face multiple forms of discrimination.

**Personal documentation**

86. States, the United Nations, other development actors and, as relevant, non-State actors should ensure the restitution or reissuance of identity documents to persons belonging to minorities after a crisis, including documents such as birth certificates or nationality documentation, so that the risk of statelessness is prevented.

87. States must provide the necessary documentation to all persons affected by crises, in particular minority communities who are often excluded, so that they may access public assistance and services and, where applicable, claim their political rights. If such provisions are not possible, States should not make possession of such documentation a prerequisite to accessing services or exercising rights.

**Assessment of the needs and capacities of minorities**

88. Governments should carry out an economic, social and environmental mapping exercise, with the contribution of civil society, to assess the general and specific needs and capacities of minority populations after a crisis and review all the various racial, ethnic, religious, national, age and gender components of the population. Such an exercise should then serve as the basis for coordinating the programmes of the various national and international actors involved at the recovery stage.

89. The United Nations and other international humanitarian and development actors should continue to monitor the situation of displaced communities, refugees and other groups affected by crises, with particular attention to persons belonging to minorities. They should engage with the States concerned in order to assist in finding durable solutions for these communities and support the work of local civil society through funding and training and reference to their monitoring work.

90. National human rights institutions should ensure independent monitoring, analysis and reporting on the situation of minorities to ensure the continued protection for and non-discrimination of minorities following situations of crisis and in the search for durable solutions.

91. Regional organizations should support States and the international community in monitoring the situation of displaced communities or communities recovering from a crisis in their region and should draw attention to situations where displaced, host or recovering

communities are excluded from national or international support. They should also reinforce national capacities through technical assistance, in particular with regard to assistance to minorities in the recovery stage of crises.

**Durable solution options**

92. States should fully comply with the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons, paying particular attention to minorities. Minorities displaced internally or internationally during a crisis should be enabled and supported, without discrimination, to achieve long-term safety and security, enjoyment of adequate standards of living, access to livelihood and employment, effective and accessible mechanism to restore housing, land and property, access to personal and other documentation, family reunification, participation in public affairs and access to effective remedies and justice. Minorities should be provided assistance to return to their initial location as soon as circumstances allow, in a voluntary, safe and dignified manner, or be given the option to obtain alternative durable solutions for local integration or resettlement.

93. States should support minorities recovering from a crisis by carrying out a survey of intent on how they wish to re-establish their lives, whether by returning to their place of origin, staying in the present location or moving to an alternate place of their choice. Such surveys of intent should take into account varying opinions within each community, including the voices of women, the best interests of the child, the views of youth and older persons as well as of all persons still awaiting resolution of their displacement.

94. States should identify suitable and dignified alternative locations, including local integration and resettlement within the country, for minorities who cannot or do not wish to return to their original location owing to continuing hazards or threats or for other reasons. Alternative locations should enable the community to retain its integrity and, as far as possible, to continue their traditional means of livelihood.

95. States should ensure that, when resettlement of a population is unavoidable, they comply with all human rights standards and international humanitarian norms[17] and that the place of resettlement and ways of resettling are decided together with the population directly affected by the crisis as well as with the host community that is affected. When the host community is a minority in the country, it is particularly important to ensure that it is given a meaningful voice in the resettlement of other populations into their community and provided appropriate compensation and support. All parties should comply with the comprehensive refugee response framework annexed to the New York Declaration for Refugees and Migrants, in particular with regard to support for host countries and communities.[18]

96. States should, with the support of civil society and the international community, ensure that communities and countries are appropriately prepared to host displaced populations, which could, in some cases, become new minorities. They should discuss the possible change in dynamics in their country or area, as well as potential benefits, in order to thwart xenophobia, racial discrimination and intolerance.

97. The United Nations and other development and humanitarian actors should support States in analysing local dynamics within host communities so as to anticipate any possible change in dynamics with the arrival of new communities displaced by crises. Both

[17] See 1949 Geneva Conventions relative to the Protection of Civilian Persons in Time of War, art. 49; Additional Protocol I (1977), arts. 54 and 59; and Additional Protocol II (1977), art. 17.

[18] See General Assembly resolution 71/1, annex I, para. 8.

displaced and local host communities should be incorporated into the post-crisis programming of the United Nations and other international development partners.

98. Where applicable, States should ensure that all necessary steps are taken for the environmental and developmental rehabilitation of areas to which displaced persons are returning.

99. States should ensure that minority groups affected by displacement are adequately included in any durable solution, strategy or displacement-focused policy developed following the displacement of a population. Such strategies and policies should contribute to shaping a comprehensive response that includes protection and humanitarian and developmental considerations. Comprehensive profiling activities can be helpful for informing the implementation of such processes.

100. States should ensure effective and comprehensive monitoring of recovery and progress towards durable solutions for all communities, including persons belonging to minorities who may face specific obstacles or discrimination hindering them from re-establishing their lives or reaching a durable solution after a crisis.

**Access to services**

101. States should plan and implement psychosocial support programmes for persons belonging to minorities who are recovering from a crisis. Such programmes should be sensitive to the culture, religion, age and gender of the beneficiaries. States should ensure that minorities are informed of the existence of such services that are specifically designed for them.

102. Minority children in post-crisis situations should be guaranteed equal access to quality education that promotes an intercultural approach that values cultural diversity.[19]

103. No discriminatory practice should prevent members of minority communities from accessing the labour market, employment or any livelihood opportunities following a crisis. Where previous livelihoods cannot be re-established, States should provide and promote new employment or livelihood opportunities for recovering communities via training, education and positive measures to ensure their full recovery, and protect them from further marginalization.

104. Targeted attention must be paid to minorities who may be subject to multiple and intersectional forms of discrimination at the post-crisis stage. All service providers must take into account that some groups within minority communities, such as women, children, older persons, persons with disabilities or lesbian, gay, bisexual, transgender or intersex persons may need special support in order not to be excluded from the delivery of such services.

**Claiming minority rights**

105. States, the United Nations, international and other actors should work at all stages, but in particular at the recovery stage, to empower minorities so as to enable them to know and to claim their rights and raise awareness about their own situation. In this respect, minority activists and civil society organizations should be supported, in particular at the post-crisis stage.

106. States should implement the principles on housing and property restitution for refugees and displaced persons,[20] ensure that restitution claim procedures are physically,

[19] See the recommendations of the first session of the Forum on Minority Issues (A/HRC/10/11/Add.1).

[20] E/CN.4/Sub.2/2005/17, annex.

linguistically and economically accessible and that special measures are taken, where necessary, to ensure that marginalized groups and vulnerable persons are able to benefit from such procedures in an equitable and just manner.

107. Where appropriate, the transfer of land rights to family members should be facilitated, in particular to allow women surviving a conflict or a disaster to reclaim the property of their husband or families or to reclaim a property if titles and documents have been lost during a crisis. Similarly, where land or property title documents have been lost, legal assistance measures should be made available to assist minorities in making their claims.

108. States should ensure that minorities recovering from a crisis are able to enjoy their political rights, in particular their right to vote and to stand for election.

109. States should ensure that minorities recovering from a crisis are able to exercise their freedom of religion by guaranteeing their access to places of worship.

110. States should plan and carry out appropriate and meaningful consultation with minorities affected by crises and make available a complaint mechanism for minorities to seek an effective remedy in situations where they think they may have been discriminated against at any stage of the delivery of humanitarian assistance or they may not have received the support or protection to which they are entitled. States should ensure that minorities do not suffer reprisals for seeking remedy.

111. The United Nations, in collaboration with national human rights institutions and others, should provide technical assistance in respect of complaint mechanisms that can be safely accessed by persons belonging to minorities to enable them to voice their concerns regarding relief and recovering efforts. Organizations or individuals responsible for human rights violations, including acts of discrimination or neglect, must be held accountable. Organizations should ensure timely and thorough reporting of their activities to foster transparency and accountability for their actions. Minority communities and local non-governmental organizations should engage with accountability and quality standards for humanitarian assistance in order to better hold humanitarian actors accountable.

112. The United Nations and other international humanitarian and development actors should carry out a transparent evaluation of their programmes, with the participation of minority communities, with a view to drawing lessons learned to feed into planning for future operations.

**Building fair and inclusive societies**

113. States, the United Nations and other development and humanitarian actors should engage as early as possible with support programmes specifically designed for minorities in post-crisis situations and with projects to promote community cohesion.

114. The United Nations should ensure that development and humanitarian partners, taking account of the New York Declaration for Refugees and Migrants of September 2016, move rapidly beyond the emergency response phase and ensure that minorities are not discriminated against and are fully included and consulted in post-crisis development and redevelopment programmes.

115. Minorities should be fully involved in peacebuilding and transitional justice processes aimed at creating stability and avoiding future crises. Peace agreements and justice processes, including truth commissions, criminal prosecutions, reparations for victims and institutional reforms, must adopt a minority rights-based approach in order to ensure the rights of minorities and promote coherent and inclusive societies. Minority rights-based approaches should also be applied to national reconstruction and rehabilitation efforts after a disaster.

116. Regional organizations should engage in the longer term with minority communities in the context of post-crisis development programmes, referring to UNDP resource guide and toolkit, *Marginalised Minorities in Development Programming* (2010).